

REMARKS

As a preliminary matter, the applicants appreciate the courtesies extended by Examiner Tran during the Telephone Interview of January 18, 2007. A Telephone Interview Summary is filed in conjunction with this paper.

This Amendment is being filed along with a Request for Continued Examination (RCE). Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Amendments

In this Amendment claims 1, 8, 19 and 24-25 are amended, claims 39-43 are added, and no claims are canceled. As a result, claims 1-12, 19-29 and 34-43 remain pending in the application. Support for the claim amendments can be found throughout of the disclosure, for instance, at pages 11-12 of the specification. For example, claim 1 has been amended to recite “means for selecting predefined keywords selected for the user specified theme” and identifying one or more logical channels which relate to the user specified theme “by detecting a match of the predefined keywords of said user specified theme.” (The other independent claims have been amended in a similar manner.) The specification supports these amendments, disclosing that, in a theme-based favorites list, the user specifies the type of events that the user wishes to include in the list.¹ The selected theme and sub-theme may be selected from a set of predefined keywords.²

¹ Specification, page 11, lines 6-8.

² Specification, page 11, lines 15-17 and page 12, lines 11-14.

Dependent claim 39 is added reciting “wherein said predefined keywords are direct broadcast satellite (DBS) content descriptors.” The specification includes a table of DBS content descriptor keywords in Figures 6A, 6B and 6C.

Dependent claim 40 is added reciting “wherein said one or more logical channels are identified to relate to the user specified theme by the match of the predefined keywords independent of a number of times the one or more logical channels have been viewed.” Support for this claim amendment can be found throughout of the disclosure, for instance, at pages 11-13 of the specification. For example, the specification discloses the theme-based favorites list, explaining that the user specifies the type of events to include (e.g., using keywords) and the system dynamically and automatically determines what channels are showing an event of that type and includes them on the favorites list. The specification also discloses another embodiment drawn to the usage-based favorites list, explaining that the user specifies a day or set of time slots and the system monitors actual usage of the system to generate a list of the channels most watched on that day or set of time slots. These are separate embodiments and may be performed independently of each other, as is known by those of ordinary skill in the art. That is, the selection of favorite channels using the theme-based favorites list is performed independently from the selection of favorite channels using the usage-based favorites list.

Pending Rejections

In the Office Action of November 20, 2006, claims 1-7, 19, 22-23 and 34-38 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,737,029 (Ohkura) further in view of U.S. Patent 5,798,785 (Hendricks) and yet further in view of U.S. Patent 5,734,589 (Kostreski).

Claims 8-12, 24-25 and 28-29 are rejected under 35 U.S.C. §103(a) in view of the Ohkura patent further in view of the Kostreski patent. Claims 20-21 are rejected in view of the Ohkura patent further in view of the Hendricks yet further in view of the Kostreski patent and yet even further in view of U.S. Patent 6,002,394 (Schein). These rejections are obviated in view of the present amendments to the claims.

Theme-based versus Usage-based Favorite Channel Selection

The present application claim amendments further defines various features of managing favorite channels through the use of a user specified theme. The user specified theme according to the present invention differs from other methods of managing favorite channel lists. For example, the specification discusses several types of favorite channel lists, including a theme-based favorites list and a frequency-based favorites list.³ A frequency-based (or usage-based) favorites list is created by having the system monitor the usage habits of the user in order to determine the frequency that the user tunes into certain programs. A frequency-based favorites list differs from a theme-based favorites list. For a theme-based favorites list the user specifies the type of events that the user wishes to include in the list and the system determines what channels are showing an event of that type and includes those channels on the theme-based favorites list. This may be done, for example, by allowing the user to select keywords to be used in a user specified theme. In this way the keywords of the user specified theme can be matched to the programming content descriptions of upcoming events.

³ See pages 11-12 of specification

As discussed previously, the Ohkura patent involves a frequency-based favorites list not a theme-based favorites list. Ohkura expressly states as much in the passage cited by the Office:

The favorite program guide list reveals the affair as to **how often the user has watched programs** of what category in each time band. ... The record of this example reveals that the user has watched news programs in the time band of 6:00—6:30 through channels 35, 36, 25, 6 and 113 in this order of frequency.⁴

Hence, the Ohkura patent does not teach the use of a theme-based favorites list. None of the secondarily cited patent documents overcome this deficiency of the Ohkura patent

Accordingly, it is respectfully submitted that the Ohkura patent, the Hendricks patent, the Kostreski patent and the Schein patent, either taken singly or in various hypothetical combinations, do not teach or suggest the features of the claimed invention.

⁴ Ohkura, col. 8, lines 8-21 (emphasis added).

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that the RCE Transmittal Sheet attends to all necessary claim fees and no extension of time is required for this filing. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

McGrath, Geissler, Olds & Richardson, PLLC
P.O. Box 7085
Alexandria, VA 22307

Date: January 18, 2007